

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
JERRY L. HARVEY,) No. 4:15 CR0209 JAR(TCM)
)
Defendants.)
)
)
)

**GOVERNMENT'S MOTION FOR PRETRIAL DETERMINATION OF
ADMISSIBILITY OF ARGUABLY SUPPRESSIBLE EVIDENCE AND
DISCLOSURE OF ARGUABLY SUPPRESSIBLE EVIDENCE
PURSUANT TO FEDERAL RULE OF CRIMINAL PROCEDURE 12(b)(4)**

COMES NOW the United States of America, by and through its attorneys, Richard G. Callahan, United States Attorney for the Eastern District of Missouri, and Sirena Miller Wissler, Assistant United States Attorney for said District, and makes the following disclosures pursuant to Federal Rule of Criminal Procedure 12(b)(4):

At trial, the Government intends to use the evidence seized in the aftermath of the heroin overdose death of Katherine CeCelia Culley on November 6, 2014. This evidence is fully set forth in investigative reports (prepared by the St. Charles County Sheriff's Office and Drug Enforcement Administration) which have been made available to defendant Harvey and will be supplemented on an ongoing basis. These materials include, but are not limited to: a report of post-mortem examination (including cause/manner of death), witness statements (including recorded interviews), and a recorded, post-Miranda statement given by defendant Harvey.

In connection with this filing, the Government moves for pretrial determination of admissibility of arguably suppressible evidence.

The Government has not included in its listing of events the various surveillance that occurred during the course of the investigation, nor the obtaining of "booking" information. It is the Government's position that these events are not subject to suppression.

As additional evidence is found, and as supplemental information comes to the government's attention, the government may choose not to use some evidence described, or to use evidence additional to that listed in these reports. If the government chooses to use additional evidence, a supplemental Rule 12(b)(4) notice, and/or a Notice of Intent to Seek the Admission of Evidence Pursuant to Federal Rule of Criminal Procedure 404(b) will be filed.

Respectfully submitted,

RICHARD G. CALLAHAN
United States Attorney

/s/ Sirena Miller Wissler
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CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of May, 2015, I filed a true and correct copy of the foregoing electronically with the Clerk of the Court, to be served by way of the Court's electronic filing system upon the attorney for the defendant.

/s/ Sirena Miller Wissler
SIRENA MILLER WISSLER